

Amendment

No 178

Introduced by Committee on Harbors,
Tide Waters and Navigable Streams.

December 20th 1898

As amended in Committee of the Whole

ARTICLE
HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

Sec. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable, and that the people shall not be shut out from the same.

Sec 2 as amended by Mr. Ayers in adoption

(Sec. 2.) No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose;

nor to destroy or obstruct the free navigation of such water

and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable, and that the people shall not be shut out from the same.

Sec. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; but sites for wharves, warehouses, or other necessary incidents to commerce, may, upon application to the Board of Supervisors of the counties in which such sites are situated, and after due public notice of such application, be leased by such Boards for a term of years to such persons, partnerships or corporations; provided, that nothing in this section shall apply to the tide lands of the Bay of San Francisco.

Sec 3 as amended by Mr. H. J. Allen
adopted

Sec. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; but sites for wharves, warehouses, or other necessary incidents to commerce, may, upon application to the Board of Supervisors of the counties in which such sites are situated, and after due public notice of such application, be leased by such Boards for a term of twenty

years to such persons, partnerships or corporations; provided, that nothing in this section shall apply to the tide lands of the Bay of San Francisco.

Action of Committee

Dec. 20, 1878

Amendment No 178

Harbors + Tidewater

Colors
Hatchings + double hatching

1
Amendments to Preamble
and Bill of Rights ~~adopted~~
by Com of the Whole

Substitute for Sec 3
yester

That this State shall ever
remain a member of the
American Union that the people
thereof are a part of the
American nation, that there
is no right on the part
of this State to secede and
that all attempts from whatever
source or upon what ever
pretext to dissolve said

2
Minn on sever said nation
shall be assisted by the whole
power of the State.

Substitution to Sec 6
by Campbell

SEC. 6. All persons shall be bailable by sufficient sureties, unless for
2 capital offenses when the proof is evident or the presumption great. Exces-
3 sive bail shall not be required, nor excessive fines imposed; nor shall cruel
4 or unusual punishments be inflicted; But nothing

Herein contained shall be construed
to prohibit the infliction of corporal
punishment for crimes. Witnesses shall
not be unreasonably detained or
confined in any jail or room
where criminals are usually
imprisoned,

Sections 7, 8, 9, 13, & 14
referred to the Judiciary Com

Sec-16- on ³ motion of
Mr Noel - amended by
striking out all after
the word "Contract" in
second line.

Section 17 - on motion
of Mr Van Dyke struck
out.

Sec-18 - Amended by
the following Substitute
offered by Mr Edgerton,

"Neither Slavery nor involunt-
= any servitude, unless for
the punishment of Crime,

4

shall ever be tolerated
in this State.

Sec - 22. on motion
of Mr Tan Dyke was
struck out.

Section 23 - amended
on motion of Mr Barnes
by striking out the
words "it is" and insert-
ing the words "they are"

Amendment.

No. 444.

INTRODUCED BY COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL.

With amendments adopted in form of the whole

OCTOBER 30TH, 1878.

~~READ, ORDERED PRINTED, AND LAID ON TABLE~~

RELATIVE TO CORPORATIONS OTHER THAN MUNICIPAL.

ARTICLE —

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall

2 not be created by special Act. All laws passed pursuant to this section may

3 be altered from time to time, or repealed.

(Amendment by Mr. Laine to Sec 1
Amend the second clause
of Section 1 - so as to read as
follows, All laws now in
force in this State concerning
Corporations, and all laws
that may be hereafter passed
pursuant to this section may
be altered from time to
time or repealed)

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation, or joint stock association, shall be individually and personally liable for his proportion of all its debts and liabilities.

Proposed Amendment to Sec 3
Each stockholder of a corporation or joint stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock

or shares of the Corporation
or association)

Amendment by Jerry to
~~Sec 3~~ Webster - (The
directors or trustees of
Corporations and joint
Stock associations shall
be jointly & severally
liable to the creditors
and stockholders for
all moneys embezzled
or misappropriated by
the officers of such
Corporations or joint

46

Stock association
during the term of office
of such director or ~~stock~~
~~trustee~~ trustee.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 5. The Legislature shall have no power to pass any Act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws; but no corporation or association shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, to circulate as money in this State, except the lawful money of the United States.

~~Substitute~~ by Mr Johnson ^{for Sec 5}
The Legislature shall have
no power to pass any act
granting any charter
for banking purposes;

But Corporations or associations
 may be formed for such
 purposes, under general
 laws; but no Corporation,
 association or individual
 shall make, issue or put
 in circulation any bill,
 check, ticket, Certificate,
 promissory note, or other
 paper, to circulate as
 money)

SEC. 6. All existing charters, grants, franchises, special or exclusive
 2 privileges, under which an actual and bona fide organization shall not have
 3 taken place, and business been commenced in good faith at the time of the
 4 adoption of this Constitution, shall thereafter have no validity.

(Substitute for Sec 6 - by Mr Shafter
 All Special or Exclusive
 Privileges whether Claimed

General laws or by Special Grants, shall have no validity, unless such claim for special or exclusive privilege, shall have been appropriated, occupancy and organization and business commenced in good faith before the adoption of this Constitution.

SEC. 7. The Legislature shall not extend any franchise or charter, or
 2 remit the forfeiture of any franchise or charter of any corporation now existing,
 3 or which shall hereafter exist under the laws of this State.

SEC. 8. The exercise of the right of eminent domain shall never be so
 2 abridged or construed as to prevent the Legislature from taking the property
 3 and franchises of incorporated companies and subject them to public use the
 4 same as the property of individuals, and the exercise of the police power of the
 5 State shall never be so abridged or construed as to permit corporations to con-
 6 duct their business in such manner as to infringe the equal rights of individ-
 7 uals or the general well-being of the State.

(Amended by Barbour as follows)

SEC. 8. The exercise of the right of eminent domain shall never be so
 2 abridged or construed as to prevent the Legislature from taking the property
 3 and franchises of incorporated companies ^{at their own valuation, as made for the purpose of}
 taxation, and subject^{ing} them to public use the
 4 same as the property of individuals, and the exercise of the police power of the
 5 State shall never be so abridged or construed as to permit corporations to con-
 6 duct their business in such manner as to infringe the equal rights of individ-
 7 uals or the general well being of the State.

26

SEC. 9. No corporation shall engage in business other than that
2 expressly authorized in its charter, or the law under which it may have been
3 or may hereafter be organized; nor shall it hold any real estate for a longer

4 period than five years, except such as may be necessary for carrying on its
5 business, or which is incident thereto.

~~(The Corporation is amended)~~
by Mr. Ferry as follows)

(SEC. 9. No corporation shall engage in business other than that
2 expressly authorized in its charter, or the law under which it may have been
3 or may hereafter be organized; nor shall it hold any real estate for a longer

4 period than five years, except such as may be necessary for carrying on its
5 business.

SEC. 10. The Legislature shall not pass any laws permitting the leasing
2 or alienation of any franchise, so as to relieve the franchise or property held
3 thereunder from liabilities of the lessor or grantor, lessee or grantee, con-
4 tracted or incurred in the operation, use, or enjoyment of such franchise, or
5 any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money
2 paid, labor done, or property actually received, and all fictitious increase of
3 stock or indebtedness shall be void. The stock and bonded indebtedness of
4 corporations shall not be increased, except in pursuance of general law, nor
5 without the consent of the persons holding the larger amount in value of the
6 stock first obtained at a meeting called for that purpose, first giving sixty days
7 public notice, as may be provided by law.

8

SEC. 12. The Legislature shall provide by law that in all elections for
2 directors or managers of incorporated companies every stockholder shall have
3 the right to vote, in person or by proxy, for the number of shares of stock
4 owned by him, for as many persons as there are directors or managers to be
5 elected, or to cumulate said shares and give one candidate as many votes as
6 the number of directors multiplied by the number of his shares of stock shall
7 equal, or to distribute them, on the same principle, among as many candidates
8 as he shall think fit; and such directors or managers shall not be elected in
9 any other manner.

(Sec 12 was amended by Mr
Rolfe = strike out of 1st line
the words "The Legislature shall
provide by law that") and
by Committee on Corporations
as follows -

Add to section twelve: "Except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law."

Section 12 as amended
(Sec 12

In all elections for
2 directors or managers of incorporated companies every stockholder shall have
3 the right to vote, in person or by proxy, for the number of shares of stock
4 owned by him, for as many persons as there are directors or managers to be
5 elected, or to cumulate said shares and give one candidate as many votes as
6 the number of directors multiplied by the number of his shares of stock shall
7 equal, or to distribute them, on the same principle, among as many candi-
8 dates as he shall think fit; and such directors or managers shall not be
9 elected in any other manner.

"Except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law."

9^h

SEC. 13. The State shall not subscribe to or be interested in the stock
of, or in any manner loan its credit to, any person, company, association, or
corporation.

SEC. 14. Every corporation organized or doing business in this State,
under the laws or authority thereof, shall have and maintain an office or place
in this State for the transaction of its business, where transfers of stock shall
be made, and in which shall be kept, for public inspection, books in which
shall be recorded the amount of capital stock subscribed, and by whom; the
names of the owners of its stock, and the amounts owned by them respect-
ively; the amount of stock paid in, and by whom; the transfers of said stock;
the amount of its assets and liabilities, and the names and place of residence
of its officers.

(The following is Sec 14 as
amended by the Committee on
Corporations other than Municipal
Mr Schell, and Mr Hager)

(Sec 14- Every Corporation other
than religious, Educational, or
benevolent organized or doing
business in this State shall
have and maintain an office
or place

in this State for the transaction of its business, where transfers of stock shall
be made, and in which shall be kept, for inspection,

by every
person having an interest therein
and legislation ~~concerning~~ books in which

10⁶

5 shall be recorded the amount of capital stock subscribed, and by whom; the
6 names of the owners of its stock, and the amounts owned by them respect-
7 ively; the amount of stock paid in, and by whom; the transfers of said stock;
8 the amount of its assets and liabilities, and the names and place of residence
9 of its officers. }

(Additional section known
as Sec 15- introduced by
Committee on Corporations
other than municipal and
Adopted as such -

[SEC. 15.] No corporation organized outside the limits of this State
2 shall be allowed to transact business within this State on more favorable con-
3 ditions than are prescribed by law to similar corporations organized under the
4 laws of this State. The Legislature shall enforce this section by appropriate
5 legislation.

(Additional section known
as Sec 16- introduced by
Mr Jawcett and Adopted
as such -

(Sec 16 = A Corporation or
Association may be sued
at the County where the
Contract is made or is

To be performed, or when the obligation or liability arises, or breach occurs: or at the County where the principal place of business of such Corporation is situated: Subject to the power of the Court to change the place of trial as in other cases.

RAILROADS.

SEC. 17. All railroads, canal, and transportation companies shall be
 2 common carriers and subject to legislative control. Any association or cor-
 3 poration, organized for the purpose, shall have the right to construct and
 4 operate a railroad between any points within this State, and to connect at the
 5 State line with railroads of other States. Every railroad company shall have
 6 the right with its road to intersect, connect with, or cross any other railroad,
 7 and shall receive and transport each other's passengers, tonnage, and cars,
 8 loaded or empty, without delay or discrimination.

~~That~~ The following is Sec 17
 as amended by Committee
 on Corporation other than
 Municipal and adopted
 as such

126

(SEC. ~~16~~¹⁷) All railroads, ~~canal~~, and transportation companies shall be
2 common carriers and subject to legislative control. Any association or cor-
3 poration, organized for the purpose ^{under the laws of this state}, shall have the right to ~~construct and~~
4 ~~operate a railroad between any points within this State, and to~~ connect at the
5 State line with railroads of other States. Every railroad company shall have
6 the right with its road to intersect, connect with, or cross any other railroad,
7 and shall receive and transport each ^{the} other's passengers, tonnage, and cars,
8 ~~loaded or empty~~, without delay or discrimination.)

SEC. ~~16~~¹⁸ No president, director, officer, agent, or employe of any rail-
2 road or canal company shall be interested, directly or indirectly, in the
3 furnishing of material or supplies to such company, or in the business of
4 transportation as a common carrier of freight or passengers over the works
5 owned, leased, controlled, or worked by such company.

SEC. ~~17~~¹⁹ No railroad or other transportation company shall grant free
2 passes, or passes or tickets at a discount, to any person holding any office of
3 honor, trust, or profit in this State; and the acceptance of any such pass or
4 ticket, by a member of the Legislature or any public officer, shall work a
5 forfeiture of his office.

SEC. ~~18~~²⁰ No railroad company or other common carrier shall combine
2 or make any contract with the owners of any vessel that leaves port or makes
3 port in this State, or with any common carrier, by which combination or con-
4 tract the earnings of one doing the carrying are to be shared by the other not
5 doing the carrying.

(The following is Sec 20-
as amended by Mr. Ayers
and Mr. Hale =

(SEC. ~~18~~²⁰) No railroad company or other common carrier shall combine
2 or make any contract with the owners of any vessel that leaves port or makes
3 port in this State, or with any common carrier, by which combination or con-
4 tract the earnings of one doing the carrying are to be shared by the other not
5 doing the carrying. And whenever a Railroad

13^h

Corporation shall, for the purpose of competing with any other common carrier lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard, without the consent of the Governmental authority in which shall be vested the power to regulate fares & freight, authorizing such change.)

126

SEC. 19.2/ No discrimination in charges or facilities for transportation
2 shall be made by any railroad or transportation company between places or
3 persons, or in the facilities for the transportation of freight or passengers
4 within this State, or coming from or going to any other State. Persons and
5 property transported over any railroad, or by any transportation company or
6 individual, shall be delivered at any station, landing, or port, at charges not
7 exceeding the charges for the transportation of persons and property of the
8 same class in the same direction to any more distant station, port, or landing.
9 Excursion and commutation tickets may be issued at special rates.

(The following is Sec 21 -
as amended by ~~Mr. Laine~~
Mr. Webster)

(SEC. 19.2/ No discrimination in charges or facilities for transportation
2 shall be made by any railroad or ^{other} transportation company between places or
3 persons, or in the facilities for the transportation of freight or passengers
4 within this State, or coming from or going to any other State. Persons and
5 property transported over any railroad, or by any ^{other} transportation company or
6 individual, shall be delivered at any station, landing, or port, at charges not
7 exceeding the charges for the transportation of persons and property of the
8 same class in the same direction to any more distant station, port, or landing.
9 Excursion and commutation tickets may be issued at special rates.)

Sec 21 ~~Sec 20~~ Three Railroad Commissioners shall be elected by the quali-
2 fied voters of this State at the regular gubernatorial elections, and whose
3 salary shall be fixed by law, and whose term of office shall be four years.
4 They shall be qualified electors of this State, and shall not be interested in
5 any railroad corporation, or other transportation company, as stockholder,
6 creditor, agent, attorney, or employe, and the act of a majority of said Com-
7 missioners shall be deemed the act of said Commission. Said Commissioners
8 shall have the sole power, and it shall be their duty, to correct abuses by rail-
9 road corporations or other transportation companies; establish rates of charges
10 for the transportation of passengers and freight by railroad or other transpor-

15

11 portation companies, and publish the same from time to time, with such
12 changes as they may make; report to the Governor, annually, their proceed-
13 ings, and such other facts as may be deemed important; hear and determine
14 complaints against railroad or other transportation companies; affix penalties
15 and enforce them through the medium of the Courts, and perform such other
16 duties as may be prescribed by law. Nothing in this section shall prevent
17 individuals from maintaining actions against any of such companies. It shall
18 be the duty of the Legislature to confer all such further powers on the Board
19 of Railroad Commissioners as shall be necessary to enable them to perform
20 the duties enjoined on them in the foregoing sections.

(The following is Sec 22
as amended by Committee
on Corporations other than
Municipal (as instructed
by ~~the~~ the Convention)-
and adopted as such)

(Sec 22 The state shall be
divided into three districts
as nearly equal in population
as practicable, in each of which
one Railroad Commissioner
shall be elected by the qualified
electors ~~therein~~ of their respective

districts, at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years. Said Commissioners shall be qualified electors of this State, and of the district from which they are elected, and shall not be interested in any Railroad Corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employee; and the act of a majority of said Commissioners shall be deemed the act of ~~the~~ said Commission.

19th

Said Commissioners shall have the power, and it shall be their duty to establish rates of charges for the transportation of passengers and freight by Railroad or other transportation Companies, and publish the same from time to time, with such changes as they may make; to examine ^{the} books, records and papers of all Railroad and other transportation Companies, and for this purpose they shall have process of the Courts; to hear and determine complaints against Railroad and other transportation Companies,

18th

to send for persons and
papers, to administer oaths,
take testimony and punish
for contempt of their orders
and processes in the same
manner and to the same
~~effect~~ extent as Courts of
Record, and enforce their
decisions and correct
abuses through the medium
of the Courts. Said Com-
missioners shall prescribe
a uniform system of accounts
to be kept by all such
~~Companies~~ Corporations
and Companies, and they
shall keep their accounts
according to such system.

~~19~~ 19th

Any railroad Corporation or
Transportation Company which
shall fail or refuse to conform
to such rates as shall be estab-
lished by such Commissioners,
or shall charge rates in excess
thereof, or shall fail to keep their
accounts in accordance with
the system prescribed by the
Commission shall be fined
not exceeding \$20,000 for each
offense, and every officer,
agent, or employe of any
such Corporation or Company
who shall demand or
receive rates in excess thereof,
or who shall in any manner

Violate the provisions of this section shall be fined not exceeding \$5,000 or be imprisoned in the County Jail not exceeding one year. In all Commissions, Civil or Criminal, the rates of fares & freights established by said Commission shall be deemed conclusively just & reasonable, and in any action against such Corporation or Company for damages sustained by charging excessive rates, the plaintiff in addition to the actual damage may in the discretion of the Judge or jury recover exemplary damages.

Said Commission shall report to the Governor, ~~and~~ annually, their proceedings, and such other facts as may be deemed important. Nothing in this Section shall prevent individuals from maintaining actions against any of such companies.

The Legislature may in addition to any penalties herein provided enforce this article by forfeiture of Charter or otherwise, and may confer such further powers on the Commission as shall be necessary to enable them to perform the duties enjoined

on them in this and the foregoing sections.

The Legislature shall have power by a two thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office for dereliction of duty, or corruption or incompetency, and whenever from any cause a vacancy in office shall occur in said Commission the Governor shall fill the same by the appointment of a qualified person thereof, who shall hold office for the residue of the unexpired term and until his successor shall have been elected and qualified.

The following section was struck out = formerly known

as SEC. 21. The State shall be divided into three railroad districts, as
2 nearly equal in population as practicable, from each of which one of the three
3 Railroad Commissioners shall be elected.

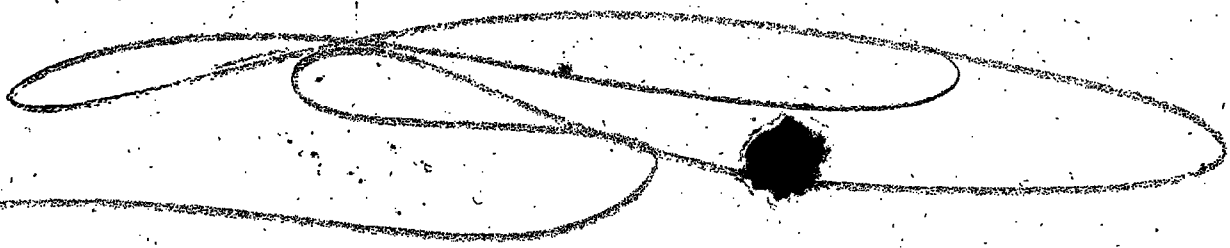
²³
SEC. 22. ~~22~~ Until the Legislature shall district the State, the follow-
2 ing shall be the railroad districts: The First District shall be composed of the
3 Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado,
4 Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas,
5 Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trin-
6 ity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected.
7 The Second District shall be composed of the Counties of Marin, San Fran-
8 cisco, and San Mateo, from which one Railroad Commissioner shall be elected.
9 The Third District shall be composed of the Counties of Alameda, Contra
10 Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey,
11 San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa
12 Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ven-
13 tura, from which one Railroad Commissioner shall be elected.

SEC. ~~23~~ 24 The Legislature shall pass all laws necessary for the enforce-
2 ment of the provisions of this article.

The following Amendment introduced by Mr Herrington was adopted as a new section to be known as Sec 25

~~24~~ 24 h

(Sec 25= Every Railroad Corporation
and other incorporate
Company or association
existing under the laws
of this State, or doing bus-
-iness therein, at the time
of the adoption of this
Constitution, shall accept
the provisions of this
Article in good faith
before being entitled to
claim or have the benefit
of any future legislation
thereunder.)



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~~Amendment Proposed by~~~~INTRODUCED BY COMMITTEE ON CHINESE.~~~~As amended in Committee~~~~OCTOBER 31st, 1878.~~~~of the whole~~~~READ, ORDERED PRINTED, AND LAID ON TABLE.~~

RELATIVE TO CHINESE.

ARTICLE —.

SECTION 1. The Legislature shall have and shall exercise the power

2 to enact all needful laws, and prescribe necessary regulations for the protec-

3 tion of the State, and the counties, cities, and towns thereof, from the burdens

4 and evils arising from the presence of aliens, who are or who may become

5 vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious

6 or infectious diseases, and aliens otherwise dangerous or detrimental to the

7 well-being or peace of the State, and to impose conditions upon which such

8 persons may reside in the State, and to provide the means and mode of their

9 removal from the State upon failure or refusal to comply with such condi-

10 tions; *provided*, that nothing contained in the foregoing shall be construed to

11 impair or limit the power of the Legislature to pass such other police laws or

12 regulations as it may deem necessary.

2001

As amended by Mr. Ayres #

and adopted

SECTION 1. The Legislature shall ~~have and shall exercise the power~~

2 ~~to enact all needful laws, and~~ prescribe necessary regulations for the protec-

3 tion of the State, and the counties, cities, and towns thereof, from the burdens

4 and evils arising from the presence of aliens, who are or who may become

5 vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious

6 or infectious diseases, and aliens otherwise dangerous or detrimental to the

7 well-being or peace of the State, and to impose conditions upon which such

8 persons may reside in the State, and to provide the means and mode of their

9 removal from the State upon failure or refusal to comply with such condi-

10 tions; *provided*, that nothing contained in the foregoing shall be construed to

11 impair or limit the power of the Legislature to pass such other police laws or

12 regulations as it may deem necessary.)

SEC. 2. Any corporation incorporated by or under the laws of this
 2 State, or doing business in this State, shall forfeit its franchises, and all legal
 3 rights thereunder, if it ever employs, in any capacity whatever, foreigners
 4 who are not eligible to become citizens of the United States under the laws
 5 of Congress. This section shall be enforced by appropriate legislation.

(Sec 2 - as amended by Judge
 Perry & G. V. Smith 4th ^{and adopted} dist.)

(No Corporation now existing
 or hereafter formed under
 the laws of this State, shall
 after the adoption of this
 Constitution employ directly
 or indirectly in any capacity
 any Chinese or Mongolians.
 The Legislature shall pass
 such laws as may be
 necessary to enforce this
 provision.)

SEC. 3. No alien ineligible to become a citizen of the United States
2 shall ever be employed on any State, county, municipal, or other public work
3 in this State after the adoption of this Constitution.

(Sec 3, as amended by Messrs Reynolds, Hager, and adopted by Barbour)

(Sec 3. No Chinese shall be employed on any State, County, Municipal or other public work; except in punishment for crimes)

SEC. 4. All further immigration to this State of Chinese, and all
2 other persons ineligible to become citizens of the United States under the
3 naturalization laws thereof, is hereby prohibited. The Legislature shall pro-
4 vide for the enforcement of this section by appropriate legislation.

(On motion of Mr Rolfe Sec (4) was struck out)

SEC. 5. No person who is not eligible to become a citizen of the
2 United States shall be permitted to settle in this State after the adoption of
3 this Constitution.

SEC. 6. Foreigners ineligible to become citizens of the United States

2 shall not have the right to sue or be sued in any of the Courts of this State,
 3 and any lawyer appearing for or against them, or any of them, in a civil pro-
 4 ceeding, shall forfeit his license to practice law. No such foreigner shall be
 5 granted license to carry on any business, trade, or occupation in this State,
 6 nor shall such license be granted to any person or corporation employing them.
 7 No such foreigner shall have the right to catch fish in any of the waters under
 8 the jurisdiction of the State; nor to purchase, own, or lease real property in
 9 this State, and all contracts of conveyance or lease of real estate to any such
 10 foreigner shall be void.

(~~Sec 6~~ - as amended by
 Mr Reynolds, and adopted)

(Sec 6 - No alien ineligible
 to become citizens of the
 United States, shall be
 permitted to catch fish in
 any waters under the juris-
 =diction of this State; nor
 to purchase, lease, own, or hold
 any real property in this
 State, and all contracts of
 conveyance or lease of
 real property to any such

Alien shall be void.

SEC. 7. The presence of foreigners ineligible to become citizens of the
 2 United States is declared herein to be dangerous to the well-being of the State,
 3 and the Legislature shall discourage their immigration by all the means
 4 within its power. It shall provide for their exclusion from residence or
 5 settlement in any portion of the State it may see fit, or from the State, and
 6 provide suitable methods, by their taxation or otherwise, for the expense of
 7 such exclusion. It shall prescribe suitable penalties for the punishment of
 8 persons convicted of introducing them within forbidden limits. It shall dele-
 9 gate all necessary power to the incorporated cities and towns of this State for
 10 their removal without the limits of such cities and towns.

*(Sec 7 - as amended by
 Messrs. ^{Lane} Barry, Wm. Mans,
 Ayres & Belcher, and
 adopted*

SEC. 7. The presence of foreigners ineligible to become citizens of the
 2 United States is declared herein to be dangerous to the well-being of the State,
 3 and the Legislature shall discourage their immigration by all the means
 4 within its power.

*Asiatic coolieism, being
 a form of human slavery,
 is forever prohibited in this
 State, and all contracts for
 Coolie labor are null & void.
 All companies or corporations*

Whether formed in this
Country or any foreign
Country for the importation
of such labor, shall be
subject to such penalties as
the Legislature may prescribe
The Legislature shall delegate
all necessary power to the
incorporated cities and
towns of this State, for
the removal of Chinese
without the limits of
such cities and towns
or their location within
prescribed portions of those
limits, and it shall also
provide the necessary
legislation to prohibit the

introduction into this State
of Chinese after the adoption
of this Constitution.

This Section shall be
enforced by appropriate
Legislation.

SEC. 8. Public officers within this State are forbidden to employ

- 2 Chinese in any capacity whatever. Violation of this provision shall be ground
- 3 for removal from office; and no person shall be eligible to any office in this
- 4 State who, at the time of election and for three months before, employed
- 5 Chinese.

(On motion of Mr Howard the
above Sec (8) was struck
out.)

SEC. 9. The exercise of the right of suffrage shall be denied to any

- 2 person employing Chinese in this State, and it shall be a sufficient challenge
- 3 that the person offering to vote is employing Chinese, or has employed them.
- 4 within three months next preceding the election.

(On motion of Mr Howard
the above Sec (9) was struck
out)

Action of Committee
Feb. 1, 1879

Amendment No 454
Chinese

Chinese

INTRODUCED BY COMMITTEE ON MILITARY AFFAIRS.

~~NOVEMBER 5TH, 1878.~~*As amended in Committee
of the whole*

ARTICLE VII.

MILITIA.

- SECTION 1. Organizing and disciplining the militia.
2. Officers, how elected or appointed.
 3. Removal of general officers.
 4. Governor to be Commander-in-Chief, and to call out the militia.
 5. Exemptions.
 6. Provision to be made for wounded and disabled members of militia.

- SECTION 1. The Legislature shall provide by law for organizing and
- 2 disciplining the militia, in such manner as they may deem expedient, not
 - 3 incompatible with the Constitution and laws of the United States.

*(Amended by Mr. Campbell
to read as follows)*

*(Sec 1 - Officers of the militia
shall be elected or appointed
in such manner as the
Legislature shall from time
to time direct, and shall*

3

SEC. 4. The Governor shall be Commander-in-Chief of the militia
2 of the State. He shall have power to call them forth to execute the laws of
3 the State, to suppress insurrections, and repel invasions.

(On Motion of Mr
Hedman Struck out)

SEC. 5. The officers, musicians, and members of the State militia, who
2 comply with all military duties as provided by law, shall be entitled to the
3 following privileges and exemptions, viz.: Exemption from payment of poll
4 tax, road tax, and head tax of every description; exemption from jury duty
5 and exemption from serving on any posse comitatus. All officers, non-com-
6 missioned officers, musicians, and privates, who have faithfully served in the
7 military service of the State for seven consecutive years, and received the cer-
8 tificate of the Adjutant-General certifying the same, shall thereafter be
9 exempted from further military or jury service, except in time of war.

(On Motion of Mr
Jelly Struck out)

SEC. 6. Every officer or member of the State militia, wounded or dis-
2 abled in the service of the State, shall have reasonable expenses paid him; and
3 the widows and children of members killed in the service of the State shall
4 be provided for by the Legislature.

(On Motion of Mr O'Donnell
Struck out)

be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions

SEC. 2. Officers of the militia shall be elected or appointed in such
2 manner as the Legislature shall, from time to time, direct, and shall be com-
3 missioned by the Governor.

(On motion of Mr Campbell Struck out)

SEC. 3. No general officer shall be removed from office except by the
2 Senate, on the recommendation of the Governor, stating the grounds on which
3 removal is recommended, or by a decision of a Court-martial in accordance
4 with military custom. No officer of the militia shall ever be removed from
5 office for political reasons.

(On motion of Mr Campbell Struck out)

Amendment No 485

Molitia

prohibition